

Ethics—Employment Restrictions

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As a current or former County employee, one should be aware that the law places certain restrictions on non-County employment. For example, Chapter 19A of the Montgomery County Code details restrictions on "other employment" and "employment of former public employees." One should consider consulting with his/her union representative, supervisor, or the ethics commission's staff for further questions or information that may apply to a particular situation.

For current employees, the County's ethics law requires approval from the Ethics Commission prior to engaging in "any other employment." An employee may begin this process by visiting the Ethics Commission's web site and printing a "Request for Employment Outside of County Service." The form should be completed and submitted to the department head for conditional approval before being forwarded to the Ethics Commission. Employees should check with a supervisor first, since some departments may utilize a variation of the form and/or process.

Chapter 19A places some restrictions and limitations on the types of outside employment in which current County employees may engage. For example, Section 19A-12(b)(2) mandates that, "a public employee must not: hold any employment relationship that would impair the impartiality and independence of judgment of the public employee." Also, Section 19A-12(b)(1) prohibits working for an entity that is directly regulated by the agency with which the employee is affiliated. Section 19A-14(a) prohibits a County employee from using the prestige of his/her office for the gain of another if he/she is compensated for it. Finally, Section 19A-14(g)(1) generally prohibits County employees from representing or offering expert advice to others who are in an adverse position with the County.

Section 19A-13 also places restrictions on the types of employment former employees can accept. For example, former employees cannot, "accept employment or assist any party, other than a County agency, in a case, contract, or other matter for 10 years after the last date the employee significantly participated in the matter as a public employee." Additionally, for one year after separation from the County, a former County employee is prohibited from entering into any employment relationship with a person or entity that contracts with the County, "if the public employee significantly participated in regulating the person or business; or had official responsibility concerning a contract with the person or business."

The provisions described within this article illustrate a sample of the outside employment restrictions on current as well as former County employees. One should refer to Chapter 19A or contact the Ethics Commission for the complete detailed list of restrictions. The restrictions on outside employment are not overly burdensome; however, it is a wise County employee who is aware of the restrictions and complies with them.